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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,953	11/18/2003	Daisuke Fujita	00862.023304.	4539
5514 7590 09/01/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER				
WILLS, LAWRENCE E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/714,953

Applicant(s)

FUJITA ET AL.

Examiner

LAWRENCE E. WILLS

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 15 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date 6-1-10
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 14, 15, and 30-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14, 15, 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo (US Patent No. 6,256,662) in view of Blasio (US Patent No. 7,139,094).

Regarding claims 14, 15, 30, 32, and 33, Lo'094 teaches a scanner connection apparatus (130 Fig. 3) which comprising: *a first communication interface* 138 that connects to an image scanning device 144; *a second communication interface* 132 that connects to a control apparatus 102 on a network 120, where the control apparatus 102 has functions of setting a scanning condition (scan-to-file column 8, lines 5-10 or scan-to-application column 8, lines 45-50 is determined by the client 102 and further notice Fig.

10 setting scanner parameters) and of communication with the image scanning device (using the virtual TWAIN driver the application program software the client computer is able to communicate with the image scanning device, column 6, lines 58-65); *a display unit* having a screen that displays an image (Fig. 11 displayed at scanner server); but fails to teach a touch-sensitive panel arranged on the screen of the display unit. Lo'094 teaches a processor that controls the scanner connection apparatus (scanner server computer is an IBM compatible Pentium based machine or Motorola based processer column 6, lines 31-40), but fails to teach wherein, said display unit, said touch-sensitive panel and said processor configure a selection screen displaying unit for inputting a user instruction and for enabling to issue a scanning start command for the image scanning device, by; said processor receiving, from the control apparatus via said second communication interface, selection menu image data in which images of items to be selected by a user are arranged, where one of the items is used to instruct a scanning start; said display unit displaying the received selection menu image data; said processor detecting a touch on said touch-sensitive panel by the user's operation; said processor transmitting, via said second communication interface, information specifying an item designated by the user, to the control apparatus, based on the touch on said touch-sensitive panel, so that, a scanning start command is output to the image scanning device. However Lo'094 teaches a scanning start command based on a scanning start instruction issued by the user (user requests the

scanning operation to being utilizing the acquire command column 14, lines 10-15) and wherein, said first communication interface, said second communication interface, said processor and the image scanning device connected to the first communication interface configure a unit which operates as a local image scanner of the control apparatus by said processor's operations of (using the virtual TWAIN driver the application program software the client computer is able to communicate with the image scanning device, column 6, lines 58-65); outputting the scanning start command to the image scanning device via said first communication interface as a response to the scanning start instruction by the user (user click start when ready and document is scanned column 16, lines 55-59, notice that the first communication interface 138 is used to interface the server computer with the scanner, Fig. 2); receiving image data of an original obtained by the image scanning device via said first communication interface (notice after the document is scanned the document is stored in the scanner image table 160 column 16, lines 60-62); and transmitting the image data of the original via said second communication interface to the network (image data file or image information is then transmitted from the scanner server to the client computer column 16, lines 61-65).

Blasio'094 teaches a touch-sensitive panel arranged on the screen of the display unit (input device and display device implemented using any known developed devices such as touch screens and LCD displays column 5, line 65-

column 6, line 7) wherein, said display unit 150, said touch-sensitive panel 140 and said processor 120 configure a selection screen displaying unit for inputting a user instruction (notice input device displaying desired predetermined destinations column 6, lines 31-35) and for enabling to issue a scanning start command for the image scanning device (start button of the input device column 6, line 38-40), by; said processor 120 receiving, from the control apparatus selection menu data in which items to be selected by a user are arranged (destination processing map portion described in column 7, lines 1-9 scanner parameters column 7, lines 10-20), where one of the items is used to instruct a scanning start (start button of the input device column 6, line 38-40); said display unit displaying the received selection menu image data (notice the selection by the user using the one or more input devices and the one or more display devices column 6, lines 41-43); said processor detecting a touch on said touch-sensitive panel by the user's operation (input device being a touch screen column 6, lines 1-5); said processor transmitting information specifying an item designated by the user, to the control apparatus, based on the touch on said touch-sensitive panel, so that, a scanning start command is output to the image scanning device (based upon the user pressing a start button the input device, controller accesses the particular destination stored in the destination portion that has been selected by the user using the input/display device and controls the input output interface to supply that destination to the host computer along with the indication that the host

computer is to begin pulling the scanned image data from the scanner column 6, lines 38-45...further in regard to claims 30 and 31 there are both start commands and destination commands reading on the two menu items).

Hence the prior art includes each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference. In combination, Lo'662 performs the same function as it does separately of controlling scanning with a separate apparatus. Blasio'094 performs the same function as it does separately of using a touch panel, display, and controller to facilitate the transmission of image data scanned with a scanner engine to a output destination. Therefore one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately. The results of the combination would have been predictable and resulted in modifying the invention to include thereby allowing for increased functionality of the scanning system (Blasio'094 column 1, line 53).

Both Lo'662 and Blasio'094 are silent to selection menu image data in which images of items to be selected by a user are arranged and the first menu image data including items representing the plural transmission destinations having different transmission categories in one selection screen.

Mizuno'800 teaches selection menu image data in which images of items to be selected by a user are arranged, where one of the items is used to instruct a scanning start (as shown in Fig. 8) and the first menu image data including items representing the plural transmission destinations having different transmission categories in one selection screen (as shown in Fig.8).

Hence the prior art includes each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference. In combination, Lo'662 in combination with Blasio'094 performs the same function as it does separately of controlling scanning with a separate apparatus and using a touch panel, display, and controller to facilitate the transmission of image data scanned with a scanner engine to a output destination. Mizuno'800 performs the same function as it does separately of using images in a selection menu. Therefore one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately. The results of the combination would have been predictable and resulted in modifying the invention to include thereby allowing for improved user interface.

Regarding claim 31, Lo'662 teaches wherein the selection screen displaying unit configured by said display unit, input unit and said processor,

provides, to the control apparatus, information specifying plural transmission destinations on the network in which different transmission categories among a facsimile destination, a printer, a FTP destination, a file server, a PC, and a mail destination are included (abstract).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE E. WILLS whose telephone number is (571)270-3145. The examiner can normally be reached on Monday-Friday 9:30 AM - 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

LEW
August 30, 2010